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Seong-Kun Oh
Limbach & Limbach L.L.P.
2001 Ferry Bldg.
San Francisco, CA 94111

**Director's Office
Group 2700**

In re Application of
Motoki Kato
Application Serial No. 08/634,122
Filed: April 19, 1996
For: APPARATUS FOR ENCODING AND
DECODING HEADER DATA IN
PICTURE SIGNAL TRANSMISSION

DECISION ON PETITION
TO WITHDRAW HOLDING
OF ABANDONMENT
PURSUANT TO 37 C.F.R. 1.181(a)

This is a decision on the petition filed December 14, 1999, requesting that the holding of abandonment of the above-identified application be withdrawn.

On November 6, 1998, a Notice of Abandonment was mailed due to applicant's failure to respond to the Office Action mailed March 30, 1998. Thereafter, on November 12, 1998, applicant forwarded by facsimile a petition to withdraw the holding of abandonment, and therewith provided sufficient evidence indicating the timely filing of a Three-Month Extension of Time and a Notice of Appeal on September 29, 1998. Shortly thereafter, on December 7, 1998, applicant filed an Appeal Brief appealing the decision made by the examiner in the Advisory Action mailed July 7, 1998. A period of almost one year elapsed from the filing of the Brief, during which time all of the above-noted communications were of record, but during which time the status of the application was 'abandoned'.

The petitioner indicates that the application was held to be abandoned in a Status Letter Reply which was forwarded by the Office just prior to November 22, 1999. Subsequent thereto, however, the neglected communications by applicant were recognized, a Notice of Rescinded Abandonment was mailed on November 29, 1999, and the case was taken up for action, with the mailing of an Examiner's Answer on February 4, 2000. Applicant has since filed a Reply Brief on April 10, 2000, to which the examiner responded in a communication mailed April 19, 2000.

In view of the above, it is apparent that both parties recognize that the application is no longer held to be abandoned.

The petition is moot.

The application has been forwarded to the Board of Patent Appeals and Interferences for a decision on the appeal.

James Dwyer, Director (Acting)
Technology Center 2700
Communications and Information Processing